

IC 25-30

**ARTICLE 30. PRIVATE DETECTIVES AND
POLYGRAPH EXAMINERS**

IC 25-30-1

Chapter 1. Private Detectives Licensing

IC 25-30-1-1

Short title

Sec. 1. This chapter may be cited as the "Detective License Law."
*(Formerly: Acts 1961, c.163, s.1.) As amended by Acts 1982,
P.L.154, SEC.87.*

IC 25-30-1-1.2

Law enforcement officer exemption

Sec. 1.2. (a) Except as provided in subsection (b), this chapter does not apply to a law enforcement officer (as defined in IC 3-6-6-36) who has graduated from the law enforcement training academy and is employed full time as a law enforcement officer.

(b) This chapter applies to a law enforcement officer to the extent that the law enforcement officer is engaged in the business of private detective as an individual with the assistance of a licensed or unlicensed person.

As added by P.L.186-1990, SEC.10. Amended by P.L.214-1993, SEC.67.

IC 25-30-1-2

Definitions

Sec. 2. As used in this chapter:

- (1) "Person" means an individual, a firm, a company, an association, an organization, a partnership, or a corporation.
- (2) "Licensee" means a person licensed under this chapter.
- (3) "Private detective" means a person who conducts a private detective business with or without the assistance of an employee.
- (4) "Private detective business" means the business of:
 - (A) making, for hire or reward, investigation or investigations for the purpose of obtaining information with reference to:
 - (i) a crime against the state or wrongs done or threatened;
 - (ii) the habits, conduct, movements, whereabouts, association, transactions, reputation, or character of a person;
 - (iii) credibility of witnesses or other persons;
 - (iv) the location or recovery of lost or stolen property;
 - (v) the causes, origin, or responsibility for fires or accidents or injuries to real or personal property; or
 - (vi) the truth or falsity of a statement or representation;
 - (B) securing, for hire or reward, evidence to be used for

authorized investigation committees or boards of award or arbitration or in the trial of civil or criminal cases; or

(C) furnishing, for hire or reward, a guard or guards or other persons to protect persons or property or to prevent the misappropriation or concealment of goods, wares and merchandise, money, bonds, stocks, choses in action, notes, or other valuable documents or papers.

(5) "Industrial plant" means a factory, business, or concern that is engaged primarily in the manufacture or assembly of goods or the processing of raw materials, or both.

(6) "Board" refers to the private detectives licensing board established under section 5.1 of this chapter.

(7) "Licensing agency" refers to the Indiana professional licensing agency established under IC 25-1-6.

(8) "Resident" means a person who has established an actual domicile in Indiana.

(Formerly: Acts 1961, c.163, s.2; Acts 1965, c.162, s.1; Acts 1967, c.171, s.1.) As amended by Acts 1982, P.L.154, SEC.88; P.L.261-1987, SEC.1; P.L.234-1989, SEC.5; P.L.214-1993, SEC.66; P.L.236-1995, SEC.46.

IC 25-30-1-3

Necessity of license

Sec. 3. It shall be unlawful for a person, partnership, or corporation to engage in the business of private detective, or to solicit or advertise for business as a private detective, or represent or hold the person, partnership, or corporation out to be a private detective unless the person, partnership, or corporation is licensed under this chapter and complies with this chapter and rules adopted under this chapter.

(Formerly: Acts 1961, c.163, s.3.) As amended by Acts 1982, P.L.154, SEC.89; P.L.234-1989, SEC.6.

IC 25-30-1-4 Repealed

(Repealed by P.L.214-1993, SEC.91.)

IC 25-30-1-5

Exceptions to licensing requirements

Sec. 5. This chapter does not require any of the following persons to be a licensee:

(1) A law enforcement officer of the United States, a state, or a political subdivision of a state to the extent that the officer or employee is engaged in the performance of the officer's or employee's official duties.

(2) Any person to the extent that the person is engaged in the business of furnishing and obtaining information concerning the financial rating of other persons.

(3) A collection agency licensed by the secretary of state or its employee acting within the scope of the employee's employment, to the extent that the person is making an

investigation incidental to the business of the agency, including an investigation of the location of a debtor or a debtor's assets in a property that the client has an interest in or a lien upon.

(4) An armored service agency to the extent that the agency is engaged in the business of transporting property to prevent the theft or unlawful taking of goods, wares, merchandise, or money.

(5) An attorney or employee of an attorney to the extent that the person is engaged in investigative matters incidental to the delivery of professional services that constitute the practice of law.

(6) An insurance adjuster to the extent that the adjuster is employed in the investigation and settlement of claims made against insurance companies or persons insured by insurance companies if the adjuster is a regular employee of the insurance company and the insurance company is authorized to do business in Indiana and is complying with the laws regulating insurance companies in Indiana.

(7) Any employee to the extent that the employee is hired for the purpose of guarding and protecting the properties of railroad companies and is licensed as a railroad policeman under IC 8-3-17.

(8) An owner of an industrial plant or an employee of the owner to the extent that the person is hiring a plant security guard for the owner's industrial plant.

(9) A person primarily engaged in the business of furnishing information for:

(A) business decisions and transactions in connection with credit, employment, or marketing; or

(B) insurance purposes;

including a consumer reporting agency as defined by the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.).

(10) A retail merchant or an employee of the retail merchant to the extent that the person is hiring a security guard for the retail merchant's retail establishment.

(11) A professional engineer registered under IC 25-31 or a person acting under a registered professional engineer's supervision, to the extent the professional engineer is engaged in an investigation incidental to the practice of engineering.

(12) An architect with a certificate of registration under IC 25-4, to the extent the architect is engaged in an investigation incidental to the practice of architecture.

(13) A land surveyor with a certificate of registration under IC 25-21.5, to the extent the land surveyor is engaged in an investigation incidental to the practice of land surveying.

(14) A certified public accountant with a certificate under IC 25-2.1-3, to the extent that the person is engaged in an investigation incidental to the practice of accountancy.

(Formerly: Acts 1961, c.163, s.5.) As amended by Acts 1982, P.L.154, SEC.91; P.L.261-1987, SEC.2; P.L.234-1989, SEC.7;

P.L.245-1995, SEC.1; P.L.42-1999, SEC.1.

IC 25-30-1-5.1

Private detectives licensing board; establishment; membership; term; removal; vacancy; compensation

Sec. 5.1. (a) The private detectives licensing board is established.

(b) The board consists of the superintendent of the state police department or the superintendent's designee and the following six (6) members appointed by the governor from different geographic regions of Indiana as determined by the governor:

(1) Two (2) private detectives licensed under this chapter who are associated with a private detective business that employs less than fifteen (15) persons.

(2) One (1) private detective licensed under this chapter who is associated with a private detective business that employs at least fifteen (15) persons.

(3) One (1) local law enforcement official.

(4) One (1) person who is not associated with the private detective business other than as a consumer.

(5) One (1) private detective licensed under this chapter who is a sole practitioner.

(c) A member of the board appointed by the governor serves a two (2) year term.

(d) The governor may remove a board member appointed by a governor for incompetency or failure to perform the member's duties under this chapter.

(e) If an appointed member cannot finish the member's term or is removed by the governor, the governor shall appoint a successor to serve for the remainder of the unexpired term.

(f) Each member of the board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Such a member is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the budget agency.

As added by P.L.234-1989, SEC.8. Amended by P.L.1-1990, SEC.254.

IC 25-30-1-5.3

Election of president and vice president

Sec. 5.3. The board shall, at its first meeting of each year, elect a president and a vice president from among its membership by a majority vote of all the members of the board.

As added by P.L.234-1989, SEC.9. Amended by P.L.214-1993, SEC.68.

IC 25-30-1-5.5

Rules

Sec. 5.5. (a) The board shall adopt rules under IC 4-22-2 to

implement this chapter.

(b) The board may not adopt rules concerning qualifications for licensure that are so restrictive that a person may not be licensed under this chapter.

As added by P.L.234-1989, SEC.10.

IC 25-30-1-6

Powers and duties of licensing agency

Sec. 6. The licensing agency shall assist the board by performing administrative functions under this chapter.

(Formerly: Acts 1961, c.163, s.6.) As amended by Acts 1982, P.L.154, SEC.92; P.L.234-1989, SEC.11.

IC 25-30-1-7

Application for license

Sec. 7. (a) An application for license as a private detective must be on a form prescribed by the board accompanied by the license fee as provided by this chapter.

(b) The application shall be verified and shall include the following:

- (1) The full name and business address of the applicant.
- (2) The name under which the applicant intends to do business as a private detective.
- (3) If the applicant is a person other than an individual, the full name and residence address of each of its members, partners, officers, and directors, and its managers.
- (4) Other information, evidence, statements, or documents required by the board.

(Formerly: Acts 1961, c.163, s.7.) As amended by Acts 1982, P.L.154, SEC.93; P.L.234-1989, SEC.12.

IC 25-30-1-8

Qualifications for license; grounds for denial

Sec. 8. (a) Before the application for a license is granted the applicant must meet all of the following:

- (1) Be at least twenty-one (21) years of age.
- (2) Be a resident of Indiana for at least one (1) year, except for firms, partnerships, or corporations that are licensed in another state and who otherwise comply with this chapter.
- (3) Have:
 - (A) experience in private detective work under a licensee, or its equivalent;
 - (B) law enforcement experience;
 - (C) a degree in criminal justice; or
 - (D) any other experience relevant to the private detective business;

as determined by the board.

(b) If the applicant is a corporation or a partnership, one (1) officer in the case of a corporation, or one (1) partner in the case of a partnership, must meet the personal qualifications as set out in

subsection (a), unless otherwise provided.

(c) The board may deny a license unless the applicant makes a showing satisfactory to the board that the applicant has not, or if a partnership or corporation, that the officer or partner in subsection (b) has not:

- (1) committed an act, which, if committed by a licensee would be ground for the suspension or revocation of a license under this chapter;
- (2) been convicted of a:
 - (A) felony; or
 - (B) a misdemeanor that has a direct bearing upon the applicant's ability to practice competently;
- (3) been refused a license under this chapter or had a license revoked; or
- (4) while unlicensed, committed, or aided and abetted commission of an act for which a license is required by this chapter.

(Formerly: Acts 1961, c.163, s.8.) As amended by Acts 1978, P.L.2, SEC.2549; P.L.261-1987, SEC.3; P.L.234-1989, SEC.13; P.L.214-1993, SEC.69.

IC 25-30-1-9

Continuation of business after death of licensee

Sec. 9. (a) Upon the death of an individual licensed under this chapter, the business with which the decedent was connected may be carried on for a period of ninety (90) days by the following:

- (1) In the case of an individual licensee the surviving spouse, or if there is no surviving spouse, the executor or administrator of the estate of the decedent.
- (2) In case of a partner, the surviving partners.
- (3) In case of an officer of a firm, company, association, organization, or corporation, the other officers of the firm, company, association, organization, or corporation.

(b) Upon the authorization of the board, the business may be carried on for a further period of time when necessary to complete an investigation or assist in litigation pending at the death of the decedent.

(c) Nothing in this section authorizes the solicitation or acceptance of business after the death of the decedent except as provided by this chapter.

(d) Nothing in this section shall be construed to restrict the sale of a private detective business if the vendee qualifies for a license under this chapter.

(Formerly: Acts 1961, c.163, s.9.) As amended by Acts 1982, P.L.154, SEC.94; P.L.234-1989, SEC.14.

IC 25-30-1-10

Form of license; display; identification card; change of address; assignment of license

Sec. 10. (a) A license, when issued, shall be in a form determined

by the board and shall include the following:

- (1) The name of the licensee, or the names of the individual partners if the licensee is a partnership, or the names of the officers and directors of the corporation if the licensee is a corporation.
- (2) The name under which the licensee is to operate.
- (3) The number and date of the license.
- (4) Other information the board deems necessary.

(b) The license shall be posted in a conspicuous place in the principal place of business of the licensee.

(c) Upon the issuance of a license, a pocket card of a design determined by the board shall be issued without charge to each licensee other than a corporation. If the licensee is a corporation or partnership, the pocket card must be issued to each officer, partner, and manager of the corporation or partnership who also meet the requirements under section 8 of this chapter. Each individual who is issued a pocket card under this subsection shall affix an appropriate picture to the pocket card, and in addition to the picture the pocket card shall also contain a fingerprint of the forefinger of the licensee. When a license is revoked, the pocket card shall be surrendered and, within five (5) days after revocation, shall be mailed or delivered by the licensee to the board for cancellation.

(d) The board shall furnish each of the licensee's employees, except office employees, with an identification card. The identification card shall contain a recent picture of the employee, the employee's name, the licensee's name and address, the license number of the employee's employer, and a thumbprint of the employee. The licensee shall affix each employee's picture and thumbprint to the identification card.

(e) A licensee shall, within thirty (30) days after a change, notify the board of any changes of the licensee's address, of the name under which the licensee does business, and of a change of the licensee's officers, directors, members, or partners.

(f) A license issued under this chapter is not assignable and is personal to the licensee.

(Formerly: Acts 1961, c.163, s.10.) As amended by Acts 1982, P.L.154, SEC.95; P.L.234-1989, SEC.15; P.L.214-1993, SEC.70; P.L.236-1995, SEC.47.

IC 25-30-1-11

Employees of licensee

Sec. 11. (a) A licensee may employ, to assist the licensee in the licensee's business as a private detective, as many unlicensed persons as may be necessary. The licensee is civilly responsible for the good conduct of an employee while the employee is acting on behalf of the licensee.

(b) A licensee shall maintain a record, relative to the licensee's employees, containing the following information:

- (1) A picture taken within thirty (30) days of the date that the employee commences employment with the licensee.

(2) A full set of fingerprints of both hands of the employee.
(Formerly: Acts 1961, c.163, s.11.) As amended by Acts 1978, P.L.2, SEC.2550; P.L.234-1989, SEC.16; P.L.214-1993, SEC.71; P.L.236-1995, SEC.48.

IC 25-30-1-12

Repealed

(Repealed by P.L.35-1984, SEC.10.)

IC 25-30-1-13

Advertisements

Sec. 13. An advertisement by a licensee soliciting or advertising for business must contain the name and address of the licensee as they appear in the records of the board.

(Formerly: Acts 1961, c.163, s.13.) As amended by P.L.234-1989, SEC.17.

IC 25-30-1-14

Nonresidents; resident licensee

Sec. 14. (a) It shall be unlawful for a person licensed by any other state to do business in Indiana unless the person is authorized to do business in Indiana. A person may not do business in Indiana until the person is licensed with the board and meets the requirements for licensees of this state, except the residence requirement of one (1) year. In addition, an out-of-state person must prove to the board that the person is in good standing in the state the person was issued a license.

(b) A person licensed under this section must have a resident licensee:

(1) whose name and license number appear on the license for the private detective business; and

(2) who, in writing to the board, assumes full responsibility for the following:

(A) All the employees of the private detective business.

(B) Maintaining all records required under this chapter in an Indiana location.

(C) Assuring compliance with this chapter.

(c) The resident licensee is responsible for informing the board, in writing, of the following:

(1) When the relationship with an out-of-state licensee is terminated.

(2) Where records are maintained by the resident licensee.

(d) This section does not relieve a licensee of responsibility for complying with this chapter.

(Formerly: Acts 1961, c.163, s.14.) As amended by P.L.234-1989, SEC.18; P.L.214-1993, SEC.72.

IC 25-30-1-15

Insurance; surety bond

Sec. 15. (a) An applicant for a private detective license who

employs more than fourteen (14) others must submit proof to the board that the applicant is insured by an insurance company authorized to do business in Indiana for the amount of one hundred thousand dollars (\$100,000) liability per occurrence.

(b) An applicant for a private detective license who employs less than fifteen (15) others must do one (1) of the following:

- (1) Post with the board a surety bond that:
 - (A) names the applicant as the principal;
 - (B) obligates the surety in the amount of seven thousand dollars (\$7,000) to the board in favor of the state;
 - (C) requires the principal, if granted a license, to conduct the business of private detective faithfully and honestly and to observe all Indiana statutes; and
 - (D) authorizes the board to declare the bond in default and to levy against the surety and the principal under the bond for the payment of actual damages to any person who is harmed as a result of the principal's violation of the requirements described in clause (C).

- (2) Submit proof to the board that the applicant is insured by an insurance company authorized to do business in Indiana for the amount of one hundred thousand dollars (\$100,000) per liability occurrence.

(c) The insurance referred to in subsections (a) and (b)(2):

- (1) must cover damages that the insured becomes legally obligated to pay for bodily injury or property damage proximately caused to a person by the insured in conducting business as a private detective;
- (2) must include coverage for:
 - (A) false arrest, detention, or imprisonment;
 - (B) malicious prosecution; and
 - (C) wrongful entry or eviction, or other invasion of the right of private occupancy; and
- (3) may not exclude coverage for an intentional act taken by or at the direction of the insured that results in bodily injury, if such injury arises solely from the use of reasonable force for the purpose of protecting persons or property.

(d) Every licensee who employs at least fifteen (15) others shall at all times maintain in force the insurance referred to in subsection (a). Upon a licensee's failure to comply with this subsection, the license of the licensee shall be suspended. A license suspended under this subsection may not be reinstated until an application for the license, in the form prescribed by the board, is filed with the board, together with proper proof of insurance.

(e) Every licensee who employs less than fifteen (15) others shall at all times maintain in force a surety bond on file with the board under subsection (b)(1) or maintain in force the insurance provided by subsection (b)(2). Upon a licensee's failure to comply with this subsection, the license of the licensee shall be suspended. A license suspended under this subsection may not be reinstated until an application for the license, in the form prescribed by the board, is

filed with the board, together with proper proof of insurance or surety bond.

(f) The board may deny an application for the reinstatement of a license suspended under this section, notwithstanding the applicant's compliance with the insurance or the surety bond requirements of this section for any of the following:

(1) Any reason that would justify a refusal to issue, a suspension, or a revocation of a license.

(2) The performance by the applicant, while the applicant's license was suspended under this section, of any practice for which a license under this chapter is required.

(g) A surety bond posted with the board under this section may be canceled by the surety thirty (30) days after the surety gives the board written notice of its intent to cancel the bond. However, the cancellation of a bond under this subsection does not terminate the liability of the surety on the bond in connection with any action commenced before the cancellation of the bond.

(Formerly: Acts 1961, c.163, s.15.) As amended by Acts 1982, P.L.154, SEC.97; P.L.261-1987, SEC.4; P.L.157-1988, SEC.1; P.L.234-1989, SEC.19; P.L.214-1993, SEC.73.

IC 25-30-1-16

Expiration and renewal of license

Sec. 16. (a) A license and the identification cards of the licensee's employees issued under this chapter expire two (2) years from the date of issuance of the license.

(b) A licensee desiring a renewal license must:

(1) file an application for renewal at least thirty (30) days before the expiration of the licensee's license on a form as prescribed by the board; and

(2) meet the license renewal requirements determined by the board.

(c) A license may be reinstated within thirty (30) days after the expiration of the license if the applicant does the following:

(1) Files an application for renewal with the board.

(2) Meets the license requirements determined by the board.

(3) Pays the license and delinquent fees.

(d) Employee identification cards issued under this chapter expire at the same time as the license referred to in subsection (a).

(Formerly: Acts 1961, c.163, s.16.) As amended by Acts 1982, P.L.154, SEC.98; P.L.234-1989, SEC.20; P.L.214-1993, SEC.74.

IC 25-30-1-17

Fees

Sec. 17. (a) The board shall charge and the licensing agency shall collect the following private detective license fees:

(1) For issuance or renewal of a private detective license, a fee of one hundred fifty dollars (\$150).

(2) For identification cards for unlicensed employees issued under section 10(d) of this chapter, a fee of:

- (A) ten dollars (\$10); or
 - (B) five dollars (\$5) if application for the identification card is made in the second year of the licensee's license.
 - (3) For reinstatement of a license referred to in section 16(c) of this chapter, a delinquent fee of seventy-five dollars (\$75).
 - (b) All fees collected under this chapter shall go into the general fund and shall be accounted for by the licensing agency.
 - (c) A license fee shall not be refunded unless a showing is made of ineligibility to receive the license by failure to meet the requirements of this chapter, or by a showing of mistake, inadvertence, or error in the collection of the fee.
- (Formerly: Acts 1961, c.163, s.17.) As amended by Acts 1982, P.L.154, SEC.99; P.L.5-1988, SEC.137; P.L.234-1989, SEC.21; P.L.214-1993, SEC.75.*

IC 25-30-1-18

Administrative proceedings; violation of professional standards; sanctions against licensees

Sec. 18. (a) The proceedings under this chapter shall be conducted in accordance with IC 4-21.5 and the board has all powers granted under IC 4-21.5.

(b) The board may impose sanctions against a licensee under IC 25-1-11 if the board determines that the licensee has done any of the following:

- (1) Forcibly and without the consent of the person in lawful possession, entered a building or portion of a building.
- (2) Impersonated, or permitted or aided and abetted an employee to impersonate a law enforcement officer, an employee of the United States government, an employee of the state, or an employee of a political subdivision of the state.
- (3) During the period between the expiration of a license for failure to renew within the time fixed by this chapter and the reinstatement of the license, has committed or permitted an employee to commit an act that would be cause for suspension or revocation of a license, or grounds for the denial for the application for a license.
- (4) Committed an act that is ground for a denial for an application for a license under this chapter.

(Formerly: Acts 1961, c.163, s.18.) As amended by Acts 1978, P.L.2, SEC.2551; P.L.7-1987, SEC.127; P.L.234-1989, SEC.22; P.L.214-1993, SEC.76.

IC 25-30-1-19

Carrying weapons

Sec. 19. Nothing in this chapter shall be construed to authorize any licensee to carry any weapon.

(Formerly: Acts 1961, c.163, s.19.) As amended by P.L.3-1989, SEC.147.

IC 25-30-1-19.5

Action to collect fees; burden of proving licensure or exemption

Sec. 19.5. A person who files a civil action to collect fees for performing acts regulated by this chapter must allege and prove that when the action arose the person was not in violation of section 22 of this chapter.

As added by P.L.214-1993, SEC.77.

IC 25-30-1-20

Prosecuting attorneys; reporting violations

Sec. 20. It shall be the duty of a prosecuting attorney to whom the board reports a violation of this chapter to cause proceedings to be commenced against a person violating this chapter and to prosecute the person to final termination.

(Formerly: Acts 1961, c.163, s.20.) As amended by P.L.234-1989, SEC.23.

IC 25-30-1-21

Violations; fines; separate offenses; complaints

Sec. 21. (a) Except as provided in subsection (b), a person who violates this chapter commits a Class A misdemeanor.

(b) A person who is not exempt under section 5 of this chapter, who does not have a private detective license, and who:

- (1) engages in the private detective business;
- (2) solicits or advertises for business as a private detective; or
- (3) in any way represents to be a private detective;

commits a Class A infraction.

(c) In addition to any other fine imposed on the person, the court shall fine the person convicted of an offense under subsection (b) the amount of compensation earned by the person in the commission of the offense. Notwithstanding IC 34-28-5-4(a), the total fine imposed under this section may exceed ten thousand dollars (\$10,000) if necessary to comply with this subsection.

(d) Each transaction under subsection (b) constitutes a separate offense.

(e) A complaint for a violation of this chapter or for an injunction under section 22 of this chapter is sufficient if the complaint alleges that a person on a specific day in a specific county:

- (1) acted as a private detective;
- (2) solicited or advertised for business as a private detective; or
- (3) represented to be a private detective;

without a private detective license.

(Formerly: Acts 1961, c.163, s.21.) As amended by Acts 1978, P.L.2, SEC.2552; P.L.214-1993, SEC.78; P.L.1-1998, SEC.134.

IC 25-30-1-22

Activities by unlicensed persons; show cause notice; cease and desist order

Sec. 22. (a) If the board determines that a person who is not licensed or exempt under this chapter is engaged in activities that require a license, the board may send a notice of hearing requiring

the person to show cause why the challenged activities are not a violation of this chapter. The notice must be in writing and include the following information:

- (1) The date, time, and place of the hearing.
- (2) The alleged violation.
- (3) That the affected person or the person's representative may present evidence concerning the alleged violation.

(b) A hearing conducted under this section must comply with the requirements under IC 4-21.5.

(c) If the board after a hearing determines that the activities that the person engaged in are subject to licensing under this chapter, the board may issue a cease and desist order that describes the person and activities that are the subject of the order.

(d) A cease and desist order issued under this section is enforceable in the circuit courts of Indiana.

(e) The attorney general, the board, or the prosecuting attorney of any county where a violation of section 21(b) of this chapter occurs may file an action in the name of the state for an injunction.

As added by P.L.214-1993, SEC.79.